IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13928 of 2005

Between:

L. Vidyadhar Reddy S/o. L. Sudeer Reddy
R/o. Chandra Mouli Nagar, Nellore, Nellore District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise,

A.P.,. Hyderabad.
2 The Prohibition & Excise Superintendent,

Nellore, Nellore District.
3 The Station House Officer,

Prohibition & Excise Office,

Nellore, Nellore District.
4 The District Collector,

Nellore, Nellore District.
5 Maddena Gopinath,

Hindu, Major,
Nellore Town and District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue, a writ order or direction more particularly one in the nature of writ of Mandamus declare the action of the official respondents in granting the permission to the 5th respondent to run Bar and Restaurant namely Manjeera Bar & Restaurant,

situated at 10th ward Santhapet, Nellore Town that too abutting the petitioner's retail wine shop bearing D.No. 484, 10th Ward, Santhapet, Nellore, amounts to erroneous, arbitrary and violative of Art. 14, 19 & 21 of the Constitution of India besides being the provisions contemplated under A.P. Excise Act & Rules and consequently direct the 5th Respondent not to commence the Bar and Restaurant namely Manjeera Bar & Restaurant abutting the petitioner's retail wine shoop bearing D.No. 484, situated at 10th Ward Santhapet, Nellore Town.

Counsel for the Petitioner: Mr. T.C.KRISHNAN

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court, at the stage of admission, made the following :

ORDER:

The petitioner was granted IL.24 licence for running a retail wine shop, bearing D.No.484, 10th Ward, Santhpet, Nellore. His complaint is that the 5th respondent was also granted a licence for running a bar and restaurant in the same premises.

2. There is no conflict in law or fact between the business of the petitioner and that of the 5th respondent-an IL.17 licencee. The conditions of the licence of the petitioner and that of the 5th respondent permit business in different and dissimilar areas ensuring that they do not commercially compete with each other. The grievance of the petitioner, as presented in this Writ Petition, does not have a legal disposition warranting adjudication under Article 226 of the Constitution of India. The Writ Petition is misconceived.

3. Accordingly, the Writ Petition is dismissed.

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(GODA RAGHURAM,J)

29th June, 2005.

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To

1 The Commissioner of Prohibition & Excise,

A.P.,. Hyderabad.

2 The Prohibition & Excise Superintendent,

Nellore, Nellore District.

3 The Station House Officer,

Prohibition & Excise Office,

Nellore, Nellore District.

4 The District Collector,

Nellore, Nellore District.

5 Two CCs to the GP for Prohibition & Excise,

High Court of A.P., Hyderabad (O.U.T.)

6 Two CD copies.